IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL REVISION APPLICATION No.137 of 2007

Arun Trimbak Shinde & Ors. ..Applicants.

Vs.

The State of Maharashtra ..Respondent.

Mr S. R. Shinde i/b Vinod Shah, Advocate for the Applicant.

Mr K. V. Saste, APP for the State.

CORAM: V.C. DAGA,J.

DATED: 25TH JULY, 2007.

P.C.:-

1. Heard learned counsel for the applicants and the APP for the State.

2. This revision application is heard finally by consent of the parties at the stage of admission.

3. The applicants are taking exception to the order dated 8.3.2007 passed below Exh.18 in Sessions Case 54 of 2005 by Ad-hoc Additional Sessions Judge No.1, Niphad, District Nashik; whereby the said application came to be partly allowed.

4. The learned counsel for the applicants submits that he wants to examine three more witnesses; namely, one Dinkar L. Joshi, Sadhna Rathi and Sou. Somvanshi who were next door neighbours, where the applicant no.1's wife was

residing. The learned APP has no serious objection for examining these witnesses if they are kept present by the applicants at their own costs.

5. The learned counsel for the applicants, while reacting to the above submission,agreed that applicants shall keep all the witnesses present in the Court for examination-in-chief and cross-examination at their own costs and that they shall not seek any adjournment.

6. In the above view of the matter, considering the consensus between the parties, impugned order to the extent it is prejudicial to the applicants, is set aside. The applicants are permitted to examine the aforesaid three witnesses with one P.W.1 Rajendra Madhavrao Mogal.

7. In the result, the revision application is allowed in the above terms of this order with no order as to costs.

(V.C. DAGA,J.)